



New South Wales

Unhealthy Building Land Regulation 2001

under the

Unhealthy Building Land Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Unhealthy Building Land Act 1990*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to replace the *Unhealthy Building Land Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation contains the provisions of the *Unhealthy Building Land Regulation 1996* without substantial alteration. It prescribes the form in which an application for an unhealthy building land certificate is to be made and prescribes the fee for the issue of such a certificate.

This Regulation is made under the *Unhealthy Building Land Act 1990* and, in particular, under sections 8 (Records and certificates) and 15 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

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Unhealthy Building Land Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Unhealthy Building Land Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Unhealthy Building Land Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

In this Regulation:

the Act means the *Unhealthy Building Land Act 1990*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Part 2 Certificates relating to declaration of land as unhealthy building land

Part 2 Certificates relating to declaration of land as unhealthy building land

5 Application for certificate relating to declaration of land as unhealthy building land

- (1) For the purposes of section 8 (2) of the Act, an application for a certificate as to whether land described in the certificate is the subject of a declaration as unhealthy building land is to be made:
 - (a) by means of a written application lodged with or sent to the Registrar-General, or
 - (b) by means of electronic data transmission to the Central Register of Restrictions maintained by the Registrar-General.
- (2) The application must furnish the following information:
 - (a) the name and address of the applicant,
 - (b) if applicable, the name and address of the person seeking the certificate and on whose behalf the application is made,
 - (c) the street address of the land the subject of the application,
 - (d) the name of the local government area (if any) within which the land the subject of the application is situated,
 - (e) the description by which the land the subject of the application is identified in the documents that evidence legal title to that land (such as Lot 1, Deposited Plan 12345 or Portion 1, Parish of X, County of Y).
- (3) In the case of a written application, the information referred to in subclause (2) may be furnished by means of a computer disk, in a format acceptable to the Registrar-General, accompanying the application.
- (4) If the information required to issue the certificate is not available from the Central Register of Restrictions, the Registrar-General must refer the application to the Authority.
- (5) The Authority or the Registrar-General may require the applicant to furnish such further information as the Authority or the Registrar-General requires to enable identification of the land the subject of the application.

6 Fee for certificate relating to declaration of land as unhealthy building land

For the purposes of section 8 (2) of the Act, the prescribed fee for a certificate referred to in clause 5 is, in respect of each deposited plan, strata plan or portion of land the subject of the application for the certificate:

- (a) \$10 in the case of an application lodged by a person who, under arrangements with the Registrar-General, has direct electronic access to the Central Register of Restrictions, or
- (b) \$15.50 in any other case.

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Part 3 Miscellaneous

Part 3 Miscellaneous

7 Saving

Any act, matter or thing that had effect under the *Unhealthy Building Land Regulation 1996* immediately before the repeal of that Regulation continues to have effect under this Regulation.

BY AUTHORITY
